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10  
11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 WILSON O. PETERS,  
14 Petitioner,  
15 v.  
16 DWIGHT NEVEN, et al.,  
17 Respondents.

Case No. 2:14-cv-1055-RFB-VCF

UNOPPOSED MOTION FOR AN  
ENLARGEMENT OF TIME IN  
WHICH TO FILE A REPLY

(First Request)

18 COMES NOW, the petitioner, Wilson O. Peters, by and through counsel,  
19 Assistant Federal Public Defender Jason F. Carr, hereby moves this Court for an  
20 enlargement of time of eighty-two (82) days from July 8, 2016, to and including  
21 September 28, 2016, in which to file a reply to Respondent's Answer. This motion is  
22 based upon the attached points and authorities and all pleadings and papers on file  
23 herein.

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1 DATED this 8<sup>th</sup> day of July 2016.

2 Respectfully submitted,  
3 RENE L. VALLADARES  
4 Federal Public Defender

5 /s/ Jason F. Carr  
6 JASON F. CARR  
7 Assistant Federal Public Defender

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1                   POINTS AND AUTHORITIES

2         1. On July 1, 2014, this Court appointed the Law Office of the Federal  
3         Public Defender “FPD” was appointed to represent Petitioner in the above-entitled  
4         action or to “indicate to the Court its inability to represent petitioner in these  
5         proceedings.” (ECF No. 4.) Counsel filed his Notice of Appearance on July 31, 2014.  
6         (ECF No. 6.) Peters filed his Amended Petition on November 10, 2014 (ECF No. 8).  
7         Respondents filed their Motion to Dismiss on August 13, 2015. (ECF No. 22.)

8                 Peters filed an Opposition to Motion to Dismiss on October 29, 2016 (ECF No.  
9         27) followed by Respondent’s Reply to Opposition to Motion to Dismiss filed on  
10         November 23, 2015. (ECF No. 33.)

11         2. On February 29, 2016, this Court issued an Order granting in part and  
12         denying in part the motion to dismiss. Respondents filed their answer to the  
13         remaining claims on June 8, 2016. Petitioner’s reply is currently due July 8, 2016.  
14         Counsel for Petitioner is requesting a eighty-two (82) day extension of time, to and  
15         including, September 28, 2016, for the date of the in which to file a reply. This is the  
16         first request for an extension.

17         3. Counsel’s recent and forthcoming schedule interferes with his ability to  
18         adequately prepare a reply for Peters. To wit: a previously extended second amended  
19         petition filed June 15, 2016, in *Hawes v. Palmer*, case number 3:10-cv-00655-RCJ-  
20         VPC; a previously extended reply filed June 15, 2016, in *Abara v. Baker*, case number  
21         3:10-cv-0688-HDM-VPC; a response to court order filed June 16, 2016, in *Ramirez v.*  
22         *Baker*, case number 3:13-cv-00025-MMD-VPC; a previously extended reply brief filed  
23         June 17, 2016, in *Chen v. Neven*, CA number 15-17151; a previously extended reply  
24         filed June 17, 2016, in *Depenbrock v. Neven*, case number 2:12-cv-01327-RFB- CWH;  
25         an opposition to motion to dismiss due June 27, 2016; a previously extended reply  
26         filed June 30, 2016, in *Brown, B. v. State of Nevada*, case number 2:02-cv-00770-

1 GMN-PAL; an opposition to motion to dismiss filed July 5, 2016, in *Moore v. LeGrand*,  
2 case number 3:13-cv-00390-LRH-WGC; an amended petition filed July 5, 2016, in  
3 *Fritzsche v. LeGrand*, case number 3:15-cv-00425-MMD-WGC; an opposition to motion  
4 to dismiss due July 8, 2016, in *Smith, Jacob v. Baca*, case number 3:14-cv-00512-  
5 MMD-VPC; a supplemental brief due July 13, 2016, in *USA v. Toliver*, CA number  
6 15-15439; a previously extended opening brief due July 22, 2016, in *Smith, T. v. Cox*,  
7 CA number 14-15884; a previously extended opening brief due July 22, 2016, in *Davis*  
8 *v. Warden*, CA number 15-17083; an opposition to motion to dismiss due July 25,  
9 2016, in *Henderson v. Baker*, case number 3:14-cv-00639-RCJ-WGC; a previously  
10 extended reply brief due August 4, 2016, in *USA v. Rocha*, CA number 15-10295;  
11 second amended petition due August 4, 2016, in *Gallegos v. Baca*, case number 3:15-  
12 cv-00254-RCJ-VPC; an opposition to motion to dismiss due August 5, 2016, in  
13 *Redenius v. Palmer*, case number 3:14-cv-0537-RCJ-VPC; a previously extended  
14 amended petition and potential stay motion due August 19, 2016, in *Barnes v.*  
15 *Nevens*, case number 2:14-cv-01946-RFB-PAL; an AEDPA deadline due August 30,  
16 2016, in *Irive v. Baker*, case number 2:16-cv-00241-MMD-WGC; and a previously  
17 extended opposition to motion to dismiss due September 12, 2016, in *Morales v.*  
18 *Neven*, case number 2:15-cv-00185-GMN-CWH.

19       4. On July 8, 2015, counsel for Petitioner contacted Deputy Attorney  
20 General Amanda C. Kunzi via email concerning this request for an extension of time.  
21 Ms. Kunzi had no objection to the request for an extension of time, with the caveat  
22 that nothing about the decision not to oppose Petitioner's extension request signifies  
23 an implied finding of a basis for tolling any applicable period of limitations or the  
24 waiver of any other procedural defense. Petitioner at all times remains responsible  
25 for calculating any limitations periods and understands that, in granting an  
26 extension request, the Court makes no finding or representation that the petition,

any amendments thereto, and/or any claims contained therein are not subject to dismissal as untimely.

5. This motion is not filed for the purpose of delay, but in the interests of justice, as well as in the interest of Mr. Peters. Counsel respectfully requests that this Court grant the request for an extension of time to file the Mr. Peters in his federal habeas action.

6. Counsel for petitioner respectfully requests that this Court grant this motion and order Petitioner to file his reply no later than September 28, 2016.

DATED this 8th day of July 2016.

Respectfully submitted,  
RENE L. VALLADARES  
Federal Public Defender

/s/ Jason F. Carr  
JASON F. CARR  
Assistant Federal Public Defender

IT IS SO ORDERED:



RICHARD F. BOULWARE, II  
United States District Judge

DATED this 22nd day of July, 2016.

## **CERTIFICATE OF SERVICE**

In accordance with the Rules of Civil Procedure, the undersigned hereby certifies that on this July 8, 2016, I filed a true and correct copy of the foregoing Unopposed Motion for Enlargement of Time to File a Reply electronically with the United States District Court. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

/s/ *Leianna Jeske*

An Employee of the  
Federal Public Defender,  
District of Nevada